

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, FEBRUARY 27, 2006 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Committee Items

- ITEM-150: Two actions related to Approval of Mayor's Proposals for the November 2006 Ballot
RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 2/8/2006, Rules voted 5 to 0 to refer the Mayor's Ballot Proposals for the November 2006 Election to the full City Council for consideration within the time constraints, with direction to the City Attorney to provide written clarification of ballot deadlines.

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: Ordering Judicial Foreclosure Actions Against Delinquent Parcels of Land. (Black Mountain Ranch and Otay Mesa Community Areas. Districts 1 and 8.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-201: Matter of Whether to Provide for Defense of Former Employee in City of San Diego v. Means, et al.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution for either Option A or Option B.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda scheduled for 9 a.m. on Tuesday, February 28, 2006. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

- ITEM-250: **Notice** of Pending Final Map Approval – 5763 Riley Street.
- ITEM-251: **Notice** of Pending Final Map Approval – 3620 Park Boulevard
Condominiums.
- ITEM-252: **Notice** of Pending Final Map Approval – 4346 52nd Street Condominiums.
- ITEM-253: **Notice** of Pending Final Map Approval – 4440/4444 Cherokee Avenue.
- ITEM-254: **Notice** of Pending Final Map Approval – 3766 31st Street.
- ITEM-255: Submission of Ballot Proposals

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS, ORDINANCES TO BE INTRODUCED:

ITEM-150: Two actions related to Approval of Mayor's Proposals for the November 2006 Ballot.

(See Report to the City Council No. 06-017; memorandum from Ronne Froman dated 2/17/2006; City Attorney Reports dated 2/1/2006 and 2/2/2006; Center on Policy Initiatives Information (CPI); Draft Ordinances with options A and B; Mayor Sanders proposed Implementing Ordinance Language dated 2/21/2006 revised; Mayor responses to Councilmembers and San Diego County Tax Payers Association.)

TODAY'S ACTIONS ARE:

Introduce the following ordinances:

Subitem-A: (O-2006-)

Mayor's recommendation:

Approve version B of the ballot measure for voter approval of future pension benefit increases and place measure on the November 2006 Ballot for voter consideration.

Introduction of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 7, 2006, one proposition amending the City Charter by amending Article IX, Section 143.1, regarding approval of amendments to the retirement system.

Subitem-B: (O-2006-93)

Mayor's recommendation:

Approve version B of the ballot measure for use of managed competition to restructure and achieve efficiencies in City operations and place measure on the November 2006 Ballot for voter consideration.

Introduction of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 7, 2006, one proposition amending the City Charter by adding Subsection(c) to Article VIII, Section 117, regarding the use of managed competition.

RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 2/8/2006, Rules voted 5 to 0 to refer the Mayor's Ballot Proposals for the November 2006 Election to the full City Council for consideration within the time constraints, with direction to the City Attorney to provide written clarification of ballot deadlines. (Councilmembers Peters, Young, Maienschein, Frye, and Madaffer voted yea.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Ordering Judicial Foreclosure Actions Against Delinquent Parcels of Land.

(Black Mountain Ranch and Otay Mesa Community Areas. Districts 1 and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-615)

Ordering Judicial Foreclosure of Delinquent Special Taxes and Special Assessments pursuant to the Mello-Roos Community Facilities Act of 1982, the Improvement Bond Act of 1915 and the Refunding Act of 1984 for 1915 Improvement Act Bonds, ordering that the Tax Collector be credited with those installments.

STAFF SUPPORTING INFORMATION:

Certain property owners have become delinquent with respect to the payment of special taxes and/or assessments associated with Community Facilities District No. 2 (Santaluz), Reassessment District No. 1999-1, and Assessment District No. 4030 (Otay Mesa Industrial Park) ("AD 4030"). Bonds have been issued in connection with these districts, and such bonds are secured solely by special taxes and assessments levied upon individual properties within each district. The City is compelled under the bond covenants contained within the bond financing documents authorized in connection with the districts to commence foreclosure actions against delinquent parcels when certain thresholds are reached as set forth in the bond documents. The delinquent amounts for each of the parcels listed below and subject to this proposed action have exceeded the delinquency thresholds established under the applicable bond documents, with the exception of the delinquent parcel in AD 4030. The bonds pertaining to AD 4030 were issued in 1992 and have a higher foreclosure threshold than the bonds related to the other subject districts, which were issued more recently. It is legally appropriate, under the California Streets and Highway Code, to pursue a foreclosure action against this parcel and it is recommended that such action be taken due to the small size of AD 4030 (nine remaining parcels with assessment liens) and, consequently, the significant impact even one delinquent parcel may have on the outstanding bonds if not addressed in a timely manner.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-200: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

<u>Assessor's Parcel No. (APN #)</u>	<u>Tax Year and Delinquent Installment(s)</u>	<u>Total Delinquent Amount (a)</u>
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Community Facilities District No. 2 (Santaluz) - Improvement Area No. 1

303-121-02-00/	2005/2006 (1 st); 2003/2004 (1 st & 2 nd)	\$11,601.11
303-121-09-00*		
303-174-21-00	2005/2006 (1 st); 2004/2005 (1 st & 2 nd)	\$14,521.88
303-182-10-00	2005/2006 (1 st); 2004/2005 (1 st & 2 nd); 2003/2004 (2 nd)	\$15,569.40

Reassessment District 1999-1 (Otay International Center - Ph 1)

646-160-01-00	2005/2006 (1 st); 2004/2005 (1 st & 2 nd); 2003/2004 (1 st & 2 nd); 2002/2003 (1 st & 2 nd)	\$13,181.52
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Assessment District 4030 (Otay Mesa Industrial Park)

646-250-11-00	2005/2006 (1 st); 2004/2005 (1 st & 2 nd)	\$11,005.81
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Community Facilities District No. 2 (Santaluz) - Improvement Area No. 3

306-240-20-00	2005/2006 (1 st); 2004/2005 (1 st & 2 nd); 2003/2004 (1 st & 2 nd)	\$10,860.11
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(a) Exclusive of Delinquency and Redemption Penalties

* The original APN # for the subject parcel was 303-121-02-00; APN # 303-121-09-00 reflects an amended APN # pertaining to the parcel.

The City has provided each property owner of record of the subject parcels with delinquency notices and has advised each property owner of the City's intention to begin the foreclosure process if payment is not forthcoming. Delinquent amounts remain outstanding for each parcel; therefore, approval of the proposed action to order the filing of a judicial foreclosure lawsuit against each such parcel is recommended. If approved, the City, in conjunction with outside foreclosure counsel, would file the appropriate judicial foreclosure lawsuits and take such other associated actions necessary to collect the delinquent special taxes and assessments. A foreclosure lawsuit is terminated at any time before a parcel is sold at a judicial foreclosure sale so long as the delinquent amounts, penalties, and attorneys fees are paid.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-200: (Continued)

FISCAL IMPACT:

None; there will be no fiscal impact to the City as a result of this action. All costs related to the foreclosure actions would be reimbursed as part of the delinquency recovery. Certain costs may be interim funded by the City's Special Assessment District Delinquency Fund, and would be subsequently reimbursed upon resolution of the delinquencies.

Irvine/Granewich/CW

Staff: Chuck Wilcox - (619) 533-4519

Mark D. Blake – Chief Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: Matter of Whether to Provide for Defense of Former Employee in City of San Diego v. Means, et al.

(See City Attorney Report dated 2/15/2006.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the resolution for either Option A or Option B:

(R-2006-721 Option A)

Finding that an inherent conflict of interest exists between the City of San Diego and former employee Tracy Means in that the City is a plaintiff in the action against Ms. Means in the lawsuit described above, and therefore, declines to provide a defense to Ms. Means under the exceptions provided by California Government Code Sections 995.2 and 995.4;

Finding that the complaint contains allegations of fraud and corruption and, therefore, declines to provide a defense to Ms. Means under the exceptions provided in California Government Code Section 995.2.

OR

(R-2006-721 Option B)

Authorizing the payment of attorney's fees and costs related to the provision of a defense of former employee Tracy Means in the action entitled City of San Diego v. Tracy Means, et. al., San Diego Superior Court Case No. GIC 858344, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

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PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval – 5763 Riley Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “5763 Riley Street” (T.M. No. 61364/PTS No. 81545), located on the south side of Riley Street between Colusa Street and Eureka Street in the Linda Vista Community Plan Area in Council District 6, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval – 3620 Park Boulevard Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3620 Park Boulevard Condominiums” (T.M. No. 106784/PTS No. 79997), located on the west side of Park Boulevard between Brookes Avenue and Cypress Avenue in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

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PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: **Notice** of Pending Final Map Approval – 4346 52nd Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4346 52nd Street Condominiums” (T.M. No. 140808/PTS No. 86147), located on the west side of 52nd Street between Trojan Avenue and El Cajon Boulevard in the Mid-City: City Heights Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – 4440/4444 Cherokee Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4440/4444 Cherokee Avenue” (T.M. No. 136840/PTS No. 81002), located on the west side of Cherokee Avenue between Meade Avenue and Monroe Avenue in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
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PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: **Notice** of Pending Final Map Approval – 3766 31st Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3766 31st Street” (T.M. No. 187892/PTS No. 85747), located on the west side of 31st Street between North Park Way and Landis Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

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PUBLIC NOTICES: (Continued)

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ITEM-255: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 6, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/20/2006	137	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/25/2006	132	Rules Committee review
Monday	1/30/2006	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/06/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	2/27/2006	99	Council adopts ordinances prepared by City Attorney
Friday	3/10/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/23/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT